

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

IN THE MATTER OF )  
 )  
AMENDMENT OF THE )  
COMMISSION'S RULES CONCERNING ) PR DOCKET NO. 92-257  
MARITIME COMMUNICATIONS )  
 )

TO: THE COMMISSION

SUPPLEMENTAL COMMENTS  
OF  
WJG MARI TEL CORPORATION

WJG Mari TEL Corporation ("Mari TEL"), pursuant to the provisions of Section 1.415(d) of the Rule and Regulations of the Federal Communications Commission ("FCC" or "Commission"), 47 C.F.R. § 1.415(d), hereby submits the following Supplemental Comments in response to the initial comments and reply comments of other parties filed in connection with the Second Further Notice of Proposed Rule Making ("Second Further Notice") in the above referenced proceeding.<sup>1</sup> *Amendment of the Commission's Rules Concerning Maritime Communications*, PR Docket 92-257, Second Report and Order and Second Further Notice of Proposed Rule Making (June 26, 1997). In this proceeding, the Commission has proposed rules designed to promote operational, technical and regulatory flexibility in the maritime services. Among the issues addressed by the Second Further Notice is whether the FCC

<sup>1</sup> These Supplemental Comments are filed pursuant to Mari TEL's Motion to Accept Supplemental Comments, filed concurrently herewith. Although the Coast Guard has not submitted similar Supplemental Comments, Mari TEL's Supplemental Comments have been coordinated with, and reviewed by, the Coast Guard.

should make the 12.5 kHz channels that are “offset” from existing public coast station frequency assignments available for use by the geographic area or incumbent licensee licensed for the adjacent regular frequency assignment. Id. at ¶ 96.

MariTEL’s comments and reply comments in this proceeding supported the agency’s proposal that geographic area and incumbent licensees be permitted to use the offset channels, in order to increase the channels available for those entities’ use. MariTEL urged the Commission to immediately make these channels available in the upcoming auction. In its comments the United States Coast Guard (“Coast Guard”) urged the Commission to reserve certain of these channels for use in Automatic Identification Systems (“AIS”). Coast Guard Comments at pp. 4-5.

As MariTEL previously noted, the future deployment of an AIS and the use of 12.5 kHz channels by public coast station licensees are not mutually exclusive. MariTEL noted that the international implementation of AIS on 12.5 kHz channels would likely not occur until 1999, at the earliest. Accordingly, while supporting the Coast Guard’s public safety goals, MariTEL strongly urged the Commission to permit coast station licensees to use these channels now, until the channels were required for AIS purposes.

MariTEL and the Coast Guard have further discussed this issue and believe that the FCC may act in a way that will serve the needs of both commercial maritime service providers and the Coast Guard. In particular, MariTEL and the Coast Guard now both believe that assignment of the 12.5 kHz channels to public coast auction winners and incumbent licensees would not delay or harm the Coast Guard’s public safety goals<sup>2</sup> for the

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<sup>2</sup> In its Petition for Rule Making, filed with the FCC on August 4, 1997, the Coast Guard pointed out that “implementation of these systems is essential to improve the safety of life, safety of

implementation of AIS, *provided that* the Commission authorize these offset channels with the condition that they are available for future AIS use. Both MariTEL and the Coast Guard recognize that AIS has the potential to save lives and protect property. Yet, both MariTEL and the Coast Guard also recognize that the channels that may be designated for AIS may be used today to provide important communications services. The course of action proposed would promote the public interest by allowing the FCC to reserve these channels for AIS now, but permit their use for public correspondence purposes until such time as the Coast Guard requires their use for AIS operations. Until that time, the use of these channels can be maximized by meeting the needs of the boating public.

While the FCC can designate the particular offset channels for AIS purposes today, it may later determine whether they will be licensed to the Coast Guard directly, or whether AIS use of the channels if necessary will be accomplished through the FCC licensed public coast station provider. This approach is consistent with Sections 301 and 304 of the Communications Act of 1934, as amended, which provides that licensees' use of frequency assignments are subject to the regulatory actions of the federal government, despite previous use of those frequency assignments.

In addition, the future use of the offset channels for AIS does not impede the goals of competitive bidding. Much like the presence of incumbent licensees, possible requirements for international coordination, or interference protection requirements, a potential VHF public coast bidder must make its own determination as to the risks associated with future AIS use of certain of the 12.5 kHz offset channels. Thus, MariTEL believes that its proposed plan

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navigation, and protection of the environment." MariTEL supports the Coast Guard's important public safety objectives.

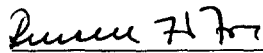
would not create uncertainties that are materially different from other regulatory uncertainties faced by auction participants.

Accordingly, MariTEL believes that, apart from any changes necessary to the FCC's type acceptance regulations to accommodate the use of 12.5 kHz equipment for VHF public coast station operations, there are no other remaining administrative or public safety reasons for not authorizing the immediate use of channels that are 12.5 kHz offset from existing public coast station frequency assignments.

**WHEREFORE, THE PREMISES CONSIDERED,** MariTEL respectfully submits the foregoing Supplemental Comments and requests that the Commission act in a manner consistent with the views expressed herein.

Respectfully Submitted,

**WJG MARI TEL CORPORATION**

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February 26, 1998

### CERTIFICATE OF SERVICE

I, Ginny Davidson, a secretary in the law firm of Gardner, Carton & Douglas, hereby certify that true and correct copies of the foregoing Motion to Accept Supplemental Comments and Supplemental Comments were sent by first-class mail, postage prepaid, on this 26th day of February, 1998, to each of the following:

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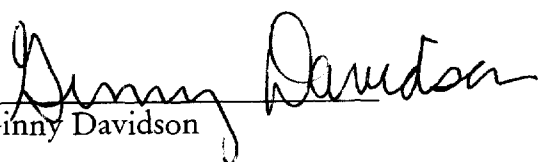
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